

WRRTC MINUTES - DRAFT

Wisconsin River Rail Transit Commission
Executive Committee Mtg. – Friday, 7 July 2006 at 10:00 a.m.
Dane County Highway Garage, 2302 Fish Hatchery Road, Madison, WI

- 1. The Chair, Steve Foye, called the meeting to order at 10:00 a.m..**
- 2. Roll Call – XCom members ☒ and Commissioners [X] present for all or part of the meeting:**

Crawford	Tom	Cornford		
	Phillip	Mueller		
	Ted	Sheckler	2nd Vice Chair	<input checked="" type="checkbox"/>
Dane	Gene	Gray	1st Treasurer	<input checked="" type="checkbox"/>
	Jim	Haefs-Flemming		
	Forrest	Van Schwartz	2nd Advocate	<input checked="" type="checkbox"/>
Grant	Doug	Eisele		X
	Robert	Scallon		
	Velma	Weadge	2nd Secretary	<input checked="" type="checkbox"/>
Iowa	Charles	Anderson		
	Mark	Masters		
	Steve	Foye	Chair	<input checked="" type="checkbox"/>
Rock	William	Agnew	1st Secretary	<input checked="" type="checkbox"/>
	Ben	Coopman - Alternate		

Rock (cont)	Steve	Eager		
	Alan	Sweeney		
Sauk	Joel	Gaalswijk		
	Marcy	Huffaker - Alternate		
	Robert	Sinklair	2nd Treasurer	<input checked="" type="checkbox"/>
	Larry	Volz		
Walworth	<i>vacant</i>			
	Richard	Kuhnke	1st Advocate	<input checked="" type="checkbox"/>
	Allan	Polyock		
Waukesha	Richard	Manke		
	Karl	Nilson	1st Vice Chair	<input checked="" type="checkbox"/>
	Robert	Thelen, II		

Others present for all or part of the meeting: Joni Graves (SWWRPC Transportation Planner / WRRTC staff); Jim Matzinger (Dane County CPA / WRRTC staff); Frank Huntington and Ron Adams (WisDOT); Ken Lucht and Ken Clemmons (WSOR); Mark Nesbitt (Sauk Prairie Eagle/Capital Newspapers); Jeff Wirth (Village President Mazomanie); Commissioner Foye's granddaughter.

- 3. Motion to accept Certification of Public Notice by Graves / Sheckler / Nilson / Motion passed unanimously.**
Before moving forward on other items, Foye said he had learned that "Doc" Martin, a long-term member of this Commission, is in failing health and has moved to Kansas to be closer to family. Agnew said former Commissioner Shroble is also in failing health.
- 4. Motion to approve the Agenda / Van Schwartz / Sinklair / Motion passed unanimously.**
- 5. Copies of the draft Minutes from the 9 June 2006 XCom meeting were provided at the meeting. Motion to forward action on the draft Minutes from the 9 June 2006 XCom to the August meeting / Nilson / Sheckler / Motion passed unanimously.**

REPORTS & DISCUSSION**6. WSOR's Operator's Report – Ken Lucht and Ken Clemmons**

Lucht said maintenance-of-way crews are starting work on the Waukesha Subdivision and will be working on the Madison Subdivision, as funding is available, after work is completed from Fox Lake-to-Slinger; from there they will move to the Orfordville Hill, which has 85# rail. The Fox Lake project is the first phase tie replacement project, and next year they hope to replace rail on that segment. Lucht said WSOR recently participated in McFarland's sesquicentennial celebration, with a huge turn-out for train rides (about 4,000 people). Lucht reported that the federal law on whistles has gone into effect and WSOR is required to whistle at Madison crossings; there have been some complaints, which are forwarded to the City. WSOR is starting to heavily promote their next campaign for the state budget and hope funds in the grant program will be maintained, but separated from bridge improvements and acquisitions under their 8+3 plan.

FOLLOW-UP: Lucht requested that the next Agenda include action on WSOR's request support for this initiative and consideration and possible action on a draft letter of support.

Ken Clemmons, WSOR's sales manager, provided an update on new customers, including 84-Lumber in McFarland; a company that imports butter from the west coast; the ethanol plant in Milton, which is on schedule; plans for an ethanol plant near Arena; expansion of a Rock County company that makes food packaging; a lumber yard is building a new facility near Eagle; and the Lycon facility will be doubling their rail use in the Madison area.

Foye said he had been working with this Arena initiative for years, and wouldn't be a bit surprised to see it up and running early next year. He said there had been a recent tour of the Monroe facility, which had been very positive, and that their only hurdle now is the County Board's Zoning Committee. Lucht said he had been on the tour to Monroe

and, although people had concerns about odor and noise, there was only a slight yeast smell and a slight hum from the equipment (which was drowned out by a lawnmower). He said that nearby, there are several new homes on 2-acre lots that were built since the plant was constructed. The group also met with many City officials, including the City Assessor, who said that property values have increased, and all of the City employees gave high marks to the facility and to its management. Foye said the trucking is already there from their other shipping, and would not be a significant increase, since bulk will come in on rail; and there are no houses within half-a-mile, since Hartung's owns the land. He spoke highly of the Hartungs, their businesses, and the positive impact of this expansion, "I can't wait to see it going." He concluded, "Of all the rail lines, that area on the west end has been the most neglected ... but it has great potential all the way out to Prairie du Chien." Ron Adams said, "I'd like to give Bill Gardner credit for holding onto that line, despite some of the recommendations that he'd gotten from staff." Foye said the public hearing on the proposal will be on July 25th.

7. WisDOT Report – No formal report was presented.

8. Staff Report Topics & Possible Action Items – Joni Graves, SWWRPC / WRRTC staff.

▪ Graves said that at the last meeting, there had been some discussion of the Sauk City Bridge report, prepared by UW Platteville engineering students. Because of the staff services vacancy in 2003, Lucht had the copies of the students' report but copies would be provided to Haefs-Flemming, Volz, Cornford, and Eisele who had requested them. ▪ She said she had discussed the right-of-way trespass issues, raised at the last meeting, with Vicki Shaefer, WisDOT; Shaefer has been working on these issues, and others in Iowa County, and had provided an update to the Chair. ▪ Steve Eager will replace Rock County's WRRTC appointee Henry Brill on the Commission. ▪ She presented insurance policy renewal information and said Virgil Kasper, Chair of the Pink Lady Rail Transit Commission, had reviewed the proposed policy proposal with the Commission's agent Tom Schaefer, as he has for the past several years. The coverage would not change: \$2 Million per occurrence; \$4 Million per year aggregate; \$25,000 participation level (deductible); WisDOT provided with a Certificate of Insurance. She said that the first premium she received would have been a 6% increase, based in part on the increased trackage with the Watertown Line; after verifying with Huntington that WSOR still owns the entire Watertown-to-Madison line, she had told the agent that the increase was premature; he was successful in revisiting this issue with the underwriter, who provided a revised quote in the amount of \$15,553.00 (the same as the previous two years). She said although WisDOT does not require the WRRTC to have the insurance, it does allow a portion of the premium to be included as a rehab project expense, based on the track miles being rehabbed as a proportion of total system mileage.

Motion to approve renewal of the Commission's insurance policy through the Richgels Schaefer Agency with coverage for \$2 Million per occurrence; \$4 Million per year aggregate; \$25,000 participation level (deductible); and WisDOT to be provided with a Certificate of Insurance for a premium cost of \$15,553 / Gray / Sheckler / Foye noted that the Commission was very fortunate to keep the coverage at the same level / Motion passed unanimously.

9. Financials Reports & Possible Action Items – Jim Matzinger, Dane County / WRRTC staff.

The Treasurer's Report was distributed, and Matzinger explained that there had not been much activity since the last month and no invoicing activity on the rehab project to-date. He noted that the Commission had budgeted \$16K for the insurance (and half of that will be provided by the member counties and a small portion by WisDOT). The disbursements included the insurance premium, the bill from Dane County for accounting, and a check to Grant County for \$9K (they had paid \$26K but had only budgeted \$17K, so they are getting a reimbursement and taking the rest from their funds on reserve with the Commission). He said that billings have been sent to the county clerks for the 2006 rehab project; he will be working on completing the remaining information for the audits.

Motion to pay the bills and approve the June 2006 Treasurer's Report and payment of the Commission's bills, as presented / Van Schwartz / Agnew / Motion passed unanimously.

OTHER COMMISSION BUSINESS

10. "66-Committee" meeting (June 30th) – WRRTC appointees Van Schwartz, Gray, Anderson

Van Schwartz said he had scheduled a meeting of the 66-Committee for June 30th in Juneau, and they were one person short of quorum [which would require four committee members]. He asked Lucht if he would like to provide a rehab project budget update; Lucht said he would plan to do that at the next meeting.

11. Sauk Bridge Inspection (June 22nd)

Before Van Schwartz' report Foye said the issue had been discussed at great length and, in the absence of a completed inspection report from Westbrook Engineering, moved to the next item on the Agenda.

12. Mazomanie Rail Corridor – Lucht on status of hold-harmless negotiations

Lucht said he had nothing new to report, since the hold-harmless issue between the railroad and the Village was being worked on.

Foye said this agreement between WSOR and the Village, and other issues that had been raised, were none of the Commission's concern.

Village President Jeff Wirth, agreed and said that their storm sewer project is not within the 33' corridor.

Foye emphasized that issues like those are not matters of concern for the Commission and said, "I don't want to point fingers, but Forrest, back off a little bit – there are other people working on these issues and these matters are not our concern."

13. "The Old Feed Mill" site, Spring Grove, IL

Graves said she had spoken with the owners of a Spring Grove disposal and demolition company the morning of the meeting and they were not able to attend, since they were closing on the adjacent property the same day. They are interested in making a proposal that would include removing the existing structure, cleaning up the site, and disposal of the trailers and they would like a long-term lease. They are interested in possible use of rail, although they do not know when this may occur. Graves said she had not talked with the Village about this proposal yet, but summarized the Minutes of the Village's November 15, 2005 meeting: "Bill Stewart, representing Direct Source, addressed the Board regarding their possible purchase of the old ice house located on Hatchery Road and relocate their business there. The company is also in discussions with the railroad commission to lease the property where the feed mill is located on Hatchery Road to also store their containers. Mr. Stewart would need a Special Use Permit to allow the offsite storage of refuse containers, which could be as much as 18, along Hatchery Road where the feed mill is currently located. After a brief discussion, it was the consensus of the Board that the outside storage of refuse containers along Hatchery Road is not a desirable use as the Village is looking at obtaining the Fish Hatchery property and making many improvements to it so it can be utilized by the residents." The Village's spring 2006 newsletter had this reference from the Village President: "I am pleased to announce that ... the Illinois Senate unanimously passed legislation to turn the Fish Hatchery over to the Village. It now moves on to the House of Representatives ... hopefully with the same results. As you know, there is great historic value in the Hatchery and I have met with several sportsman's groups who have offered to help organize and support the project which will be a big, but worthwhile, undertaking for the Village." She said she had recently received another phone call from a Village Police Detective inquiring about whether there had been any progress related to the feed mill site.

Given the Village's recorded consensus regarding the Special Use Permit request, she asked if XCom members thought this would be a good time to contact the Village to solicit more information on their long-term interest in the site, since they are apparently prepared to make some significant recreational improvements there. There was some discussion about Metra's possible interest; Graves said that although the Village was interested in Metra's extending service, there was no indication that this was a priority for Metra. Lucht said WSOR would like to see a shipper there, and that this company has indicated some interest in rail.

There was no action and no direction to communicate with the Village at this time.

- 14. a) Consideration and possible action on adjourning to closed session pursuant to 19.85(1):** Any meeting of a governmental body, upon motion duly made and carried, may be convened in closed session under one or more of the exemptions provided in this section. The motion shall be carried by a majority vote in such manner that the vote of each member is ascertained and recorded in the minutes. No motion to convene in closed session may be adopted unless the chief presiding officer announces to those present at the meeting at which such motion is made, the nature of the business to be considered at such closed session, and the specific exemption or exemptions under this subsection by which such closed session is claimed to be authorized. Such announcement shall become part of the record of the meeting. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session. **(c)** Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

Re Village of Mazomanie: Before moving to the closed session, Nilson asked the Chair if it would be alright to ask Mr. Wirth if he would like to make a statement, since he had come to the meeting. The Chair gave the floor to Mr. Wirth, who said he thought they had crossed a major hurdle, reported that he has a survey on the new siding, and concluded that progress is being made. Graves asked whether Mr. Wirth was authorizing the Commission's attorney to commence work on the multi-party agreement (since Mr. Wirth had previously agreed that the Village would share the cost of this, up to \$500); he said no, not until the hold-harmless with WSOR is finalized.

b) Foye asked for a roll-call vote of XCom members in order to convene in closed session:

Crawford	Ted	Sheckler	2nd Vice Chair	<input checked="" type="checkbox"/>
Dane	Gene	Gray	1 st Treasurer	<input checked="" type="checkbox"/>
Dane	Forrest	Van Schwartz	2 nd Advocate	<input checked="" type="checkbox"/>
Grant	Velma	Weadge	2 nd Secretary	<input checked="" type="checkbox"/>
Iowa	Steve	Foye	Chair	<input checked="" type="checkbox"/>
Rock	William	Agnew	1 st Secretary	<input checked="" type="checkbox"/>
Sauk	Robert	Sinklair	2 nd Treasurer	<input checked="" type="checkbox"/>
Walworth	Richard	Kuhnke	1st Advocate	<input checked="" type="checkbox"/>
Waukesha	Karl	Nilson	1st Vice Chair	<input checked="" type="checkbox"/>

With all Commissioners remaining, everyone else left at **11:05 a.m.**

c) Reconvene in open session. The meeting returned to open session at **11:48 a.m.**

d) Action, if any, on closed session matter. Foye asked Nilson to read the summary (which was also provided in writing) in the form of a Motion.

Motion to forward draft text to the full Commission for discussion at the August meeting: Clarification of Contracted Staff Reporting Procedures, a.k.a. Chain of Command. Any and all contracted or paid staff to WRRTC must take their direction, pertaining to WRRTC business, solely from the Chair of the Commission (who takes direction from the Commission). This requires staff members getting prior approval from the Chair before attending any functions outside of normally scheduled monthly WRRTC meetings. These functions would include EWCRC and 66-Committee meetings, for example. This does not preclude staff from attending outside meetings as private citizens or on behalf of other organizations / Nilson / Weadge / Motion passed unanimously.

Foye asked Graves to forward this language to him, and to Nilson, after the meeting.

15. The meeting adjourned by consensus at 11:57 a.m.